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AUG 10 2004

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## FACSIMILE TRANSMISSION

FROM: Stefan J. Kirchanski

DATE: August 10, 2004

PAGES (incl. cover sheet): 7

RECIPIENT	COMPANY	FAX NUMBER	TELEPHONE
Office of Petitions	US PTO	703.872.9306	
CLIENT/MATTER:	Name: Shanbrom Technologies, LLC		
	No.: 16016.900600 20233.001		
ATTACHED PLEASE FIND:	Petition for Revival		
COMMENTS:			

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☐ FOR YOUR INFORMATION  
☐ IN ACCORDANCE WITH YOUR REQUEST

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#188413 v1 - FAX COVER SHEET (L.A.) IN WORD

AUG 10 2004

PATENT  
16016.900600

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Edward Shanbrom

Serial No: 09/315,688

Filed: May 20, 1999

For: METHOD FOR QUANTIFYING  
ANTIOXIDANT LEVELS IN FOOD AND  
MEDICAL SPECIMENS

Art Unit: 1753

Examiner: Olse, Kaj K.

OFFICIAL

PETITION PURSUANT TO 37 C.F.R. § 1.137(b) FOR  
REVIVAL OF AN UNINTENTIONALLY ABANDONED  
APPLICATION AND CONDITIONAL PETITION FOR  
EXTENSION OF TIMEMail Stop DAC  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

Dear Sir:

In accordance with 37 C.F.R. § 1.137(b), Applicants respectfully petition for revival of the above-identified patent application which became unintentionally abandoned on April 20, 2004. The present application became abandoned as a result of insufficient funds in a deposit account. Enclosed herewith is a copy of the Issue Fee Transmittal, authorizing the Commissioner to charge the issue fee and the publication fee to Deposit Account 50-2899.

In accordance with 37 C.R.F. § 1.17(m), please charge the fee of \$665 for this petition to Deposit Account No. 50-2899, referencing docket number 16016.900600.

Applicant became aware that the application had become abandoned on or about July 23, 2004 upon seeing the Notice of Dismissed Petition dated July 13, 2004. The entire delay from the due date for the required response until the filing of this petition has been unintentional.

It is believed that no extension of time is required. However, should an extension of time be necessary to revive the above-identified application or to prevent the above-identified application from becoming abandoned again, please consider this a conditional petition for such

PATENT  
16016.900600

an extension of time. Please charge any fee for such an extension of time to Deposit Account No. 50-2899, referencing docket number 16016.900600. A copy of this paper is enclosed.

If it should be determined that for any reason either an insufficient fee or an excessive has been paid, please charge any insufficiency or credit any overpayment necessary to ensure revival of the above-identified application to Deposit Account No. 50-2899, referencing docket number 16016.900600. A copy of this petition is enclosed.

Respectfully submitted,  
LINER YANKELEVITZ  
SUNSHINE & REGENSTREIF LLP

Date: August 10, 2004

By: Stefan J. Kirchaneki  
Stefan J. Kirchaneki  
Registration No. 36,568  
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AUG 10 2004



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
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Stefan J. Kirchanski  
Crosby, Heafey, Roach & May  
1901 Avenue of the Stars, Suite 700  
Los Angeles, CA 90067

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JUL 13 2004

OFFICE OF PETITIONS

In re Application of  
Edward Shanbrom  
Application No. 09/315,688  
Filed: May 20, 1999  
Attorney Docket No. 38786.00069

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed June 7, 2004, to revive the above-identified application.

The petition is **dismissed**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." Petitioner is advised that this is not a final agency decision.

The above-identified application became abandoned for failure submit the issue fee and publication fee in a timely manner in reply to the Notice of Allowance mailed January 20, 2004, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned after midnight April 20, 2004.

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by: (1) the required reply (unless previously filed), which may met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute, but must be the payment of the issue fee or any outstanding balance thereof in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof; (2) the petition fee required by 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)). This petition lacks items (1) and (2) above.

As to items (1) and (2), the instant petition gives authorization for the USPTO to charge \$665 for the petition to revive fee, \$665 for the issue fee, and \$300 for the publication fee to Deposit Account No. 50-2567. However, the listed deposit account contains insufficient funds. Therefore, revival of the above-identified application cannot occur until the above fees are submitted.

## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISSUE FEE  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 or Fax (703) 746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence, including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

7590

01/20/2004

STEFAN J. KIRCHANSKI  
 CROSBY, HEAFEY, ROACH & MAY  
 1901 AVENUE OF THE STARS, SUITE 700  
 LOS ANGELES, CA 90067

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO, on the date indicated below.

Heather Centurioni / Stefan Kirchanski (Depositor's name)  
 June 7, 2004 (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/315,688	05/20/1999	EDWARD SHANBROM	38786.00069	6828

TITLE OF INVENTION: METHOD FOR QUANTIFYING ANTIOXIDANT LEVELS IN FOOD AND MEDICAL SPECIMENS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$665	\$300	\$965	04/20/2004

EXAMINER	ART UNIT	CLASS-SUBCLASS
OLSEN, KAJ K	1753	205-775000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. Reed Smith LLC

2.

3.

## 3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Shanbrom Technologies, LLC Ojai, California

Please check the appropriate assignee category or categories (will not be printed on the patent);

☐ individual☒ corporation or other private group entity☐ government

4a. The following fee(s) are enclosed:

☒ Issue Fee☐ Publication Fee☐ Advance Order - # of Copies

4b. Payment of Fee(s):

☐ A check in the amount of the fee(s) is enclosed.☐ Payment by credit card. Form PTO-2038 is attached.

☒ The Director is hereby authorized to charge the required fee(s), or credit any overpayment, to Deposit Account Number 50-2587 (enclose an extra copy of this form).

Director for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature)

(Date)

Stefan J. Kirchanski

06/07/04

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Alexandria, Virginia 22313-1450.

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TRANSMIT THIS FORM WITH FEE(S)

PTOL-85 (Rev. 11/01) Approved for use through 04/30/2004

OMR 0651.0013

U.S. Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE

PAGE 5/9 \* RCVD AT 8/10/2004 5:43:53 PM [Eastern Daylight Time] \* SVR:USPTO-EFXXRF-1/2 \* DNIS:8729306 \* CSID:13105003501 \* DURATION (mm-ss):03-00

FILE

S.N. 09/315,688 File No. 385864 00600 Mailed 6/7/04 By: SLK/HDB  
 Title: METHOD FOR QUANTIFYING ANTIOXIDANT LEVELS  
 Client Name: SHANBROM  
 The following, due \_\_\_\_\_ in the U.S. Patent & Trademark Office, was received in the Patent & Trademark Office on the date stamped hereon:

☒ FEE TO BE PAID BY DEPOSIT ACCOUNT: ☐ Filing ☐ Extension ☐ Surcharge ☐ Recordation  
☒ Issue ☒ Petition ☐ IDS ☐ Appeal ☐ Other

☐ Patent Appln: ☐ Prov1 ☐ Utility ☐ Div. ☐ Cont. ☐ CIP ☐ Design  
 Parent/Prior Appln. No. if applicable: \_\_\_\_\_  
 Pages Spec. \_\_\_\_\_ Page Abstract \_\_\_\_\_ Claims(s) \_\_\_\_\_

☐ Declaration/Power of Attorney ☐ UNSIGNED ☐ Copy, from parent  
☐ Assignment and Recordation Cover Sheet ☐ Copy  
☐ Check No. \_\_\_\_\_ for \$ \_\_\_\_\_  
☐ Check No. \_\_\_\_\_ for \$ \_\_\_\_\_  
☐ Assertion of Small Business Entity Status Under 37 CFR 1.27  
☐ Request for Nonpublication and Certification Under 35 U.S.C. 122(b)(2)(B)(i) ☐ Status Request  
☐ RCE ☐ CPA  
☒ Certificate of Express Mail, Label No. EL 947121916 US  
☐ Amendment/Response ☐ Restriction Req. ☐ After Final ☐ After Allowance  
☐ Request for Extension of Time, \_\_\_\_\_ month(s)  
☐ Revocation and Power of Attorney ☐ Statement Under 37 CFR 3.73(b)

☐ Change of Correspondence Address ☐ Associate Power of Attorney ☐ Associate With Customer Number  
☒ Petition for Revive Unintentionally Abandoned Application

Country \_\_\_\_\_ Doc. No. \_\_\_\_\_  
☐ IDS: \_\_\_\_\_ Reference(s) \_\_\_\_\_  
☐ Enclosed ☐ Listed only  
☐ Certified Copy, \_\_\_\_\_ Docs  
☐ Response to Missing Parts  
☐ Copy of Notice  
☐ Notice of Appeal ☐ Brief  
☒ Issue Fee Transmittal  
☐ Advance soft copy order

EL 947121916 US

S.N. 09/315,688 File No. 385864 00600 Mailed 6/7/04 By: SLK/HDB  
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 Client Name: SHANBROM  
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☒ FEE TO BE PAID BY DEPOSIT ACCOUNT: ☐ Filing ☐ Extension ☐ Surcharge ☐ Recordation  
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☐ Patent Appln: ☐ Prov1 ☐ Utility ☐ Div. ☐ Cont. ☐ CIP ☐ Design  
 Parent/Prior Appln. No. if applicable: \_\_\_\_\_  
 Pages Spec. \_\_\_\_\_ Page Abstract \_\_\_\_\_ Claims(s) \_\_\_\_\_

☐ Declaration/Power of Attorney ☐ UNSIGNED ☐ Copy, from parent  
☐ Assignment and Recordation Cover Sheet ☐ Copy  
☐ Check No. \_\_\_\_\_ for \$ \_\_\_\_\_  
☐ Check No. \_\_\_\_\_ for \$ \_\_\_\_\_  
☐ Assertion of Small Business Entity Status Under 37 CFR 1.27  
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☐ Amendment/Response ☐ Restriction Req. ☐ After Final ☐ After Allowance  
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☒ Petition for Revive Unintentionally Abandoned Application

Country \_\_\_\_\_ Doc. No. \_\_\_\_\_  
☐ IDS: \_\_\_\_\_ Reference(s) \_\_\_\_\_  
☐ Enclosed ☐ Listed only  
☐ Certified Copy, \_\_\_\_\_ Docs  
☐ Response to Missing Parts  
☐ Copy of Notice  
☐ Notice of Appeal ☐ Brief  
☒ Issue Fee Transmittal  
☐ Advance soft copy order

AUG 10 2004

PATENT

Attorney Docket No: 355864.00600

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Edward Shanbrom:

Serial No: 09/315,688

Filed: May 20, 1999

For: METHOD FOR QUANTIFYING ANTIOXIDANT  
LEVELS IN FOOD AND MEDICAL SPECIMENS

Art Unit: 1753

Examiner: Olsen, Kaj K.

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Date of Deposit: June 7, 2004

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

Dear Sir:

I hereby certify that

- ☒ two copies of Issue Fee Transmittal
- ☒ Petition to Revive an Inintentionally Abandoned Application
- ☐ patent application (\_\_\_ page(s) of specification; \_\_\_ claim(s); \_\_\_ page(s) of abstract
- ☐ \_\_\_ sheet(s) of ☐ formal ☐ informal drawings
- ☐ executed Declaration and Power of Attorney (☐ copy from parent)
- ☒ return postcard

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service with sufficient postage under 37 C.F.R. § 1.10 on the date indicated above and are addressed to:

Mail Stop Petitions  
Commissioner for Patents  
Washington, D.C. 20231.

Date: June 7, 2004

REED SMITH LLP  
1901 Avenue of the Stars, Suite 700  
Los Angeles, CA 90067  
Phone: (310) 734-5200  
Fax: (310) 734-5299

Stefan J. Kirchanski

Name of person mailing papers

Signature